

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY SCOTT,
Petitioner,

v.

JOHN R. STAPANIK, WARDEN OF SCI, DALLAS
et al.,

Respondents.

:
:
: **CIVIL ACTION**
:
: **NO. 97-5355**
:
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ORDER

AND NOW, this 26th day of April, 2017, upon consideration of Gregory Scott's Motions for Relief (Doc. Nos. 20, 23), Respondents' Opposition (Doc. No. 29), and Gregory Scott's Response in Support (Doc. No. 32), **it is hereby ORDERED** as follows:

1. Gregory Scott's Independent Action for Relief from Order Denying Section 2255 Motion or, Alternatively, for Relief Under Rule 60(d) F.R.Civ.P. (Doc. No. 20) is **DEEMED MOOT**.¹
2. The Court construes Gregory Scott's Independent Action for Relief from Order Denying Section 2254 Motion or, Alternatively, for Relief Under Rule 60(d) F.R.Civ.P. (Doc. No. 23) as a successive § 2254 habeas petition.
3. The Clerk of Court shall **TRANSFER** Gregory Scott's Independent Action for Relief from Order Denying Section 2254 Motion or, Alternatively, for Relief Under Rule 60(d) F.R.Civ.P. (Doc. No. 23) to the United States Court of Appeals for the Third Circuit for consideration. *See* 28 U.S.C. § 1631.

¹ The reference to "Section 2255" in Mr. Scott's first filed motion for Rule 60 relief was a typographical error. *See* Doc. No. 23 at 1 n.1.

4. This case shall remain **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE